



Privacy Amendment (2015 Measures No. 2) Regulation 2015

Select Legislative Instrument No. 58, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 30 April 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

George Brandis QC
Attorney-General

OPC61164 - B

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1 Name

This is the *Privacy Amendment (2015 Measures No. 2) Regulation 2015*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under the *Privacy Act 1988*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Privacy Regulation 2013

1 Section 5

Insert:

Centrelink Confirmation eServices scheme means the scheme of that name that is administered by the Human Services Department.

DVA unique identification number means the unique identification number assigned to an individual by the Department administered by the Minister who administers the *Veterans' Entitlements Act 1986*.

Human Services Department means the Department administered by the Human Services Minister.

Human Services Minister means the Minister administering the *Human Services (Centrelink) Act 1997*.

2 Sections 17, 18 and 19

Repeal the sections, substitute:

17 Exceptions to Australian Privacy Principle 9.2—Centrelink Confirmation eServices (customer confirmation and income confirmation)

- (1) For subclause 9.3 of the Australian Privacy Principles:
- (a) each of the following is a prescribed identifier:
 - (i) a Customer Reference Number;
 - (ii) a DVA file number;
 - (iii) a DVA unique identification number; and
 - (b) an organisation is a prescribed organisation if the organisation:
 - (i) is a participant in the Centrelink Confirmation eServices scheme; and
 - (ii) is included in a class of organisations set out in the table in subsection (2); and

- (c) the prescribed circumstance is that a prescribed organisation uses or discloses an individual's prescribed identifier, with the individual's consent, to access services provided under the Centrelink Confirmation eServices scheme to enquire whether the individual is entitled to receive a concession, service or assistance.

(2) The classes of organisations are set out in the following table:

Classes of organisations that can use or disclose Customer Reference Numbers, DVA File Numbers and DVA unique identification numbers	
Item	Class of organisation
1	Organisations that provide healthcare services or healthcare products, including any of the following: <ul style="list-style-type: none"> (a) hospitals; (b) providers of hearing products and hearing services; (c) providers of disability support services; (d) providers of counselling and mental health services; (e) providers of drug treatment and rehabilitation services.
2	Organisations that are education providers, including any of the following: <ul style="list-style-type: none"> (a) pre-schools, primary schools and secondary schools; (b) providers of childcare services; (c) universities, TAFE, community colleges and other tertiary education providers; (d) adult education providers; (e) organisations that provide administrative services to education providers.
3	Organisations that provide any of the following: <ul style="list-style-type: none"> (a) electricity; (b) gas; (c) water; (d) telecommunications services; (e) broadband internet services.
4	Organisations that provide passenger rail services.
5	Organisations that provide motor vehicle roadside assistance services.
6	Organisations that provide trustee services.
7	Organisations that provide welfare services, including any of the following: <ul style="list-style-type: none"> (a) advocacy organisations; (b) organisations that provide assistance to:

Classes of organisations that can use or disclose Customer Reference Numbers, DVA File Numbers and DVA unique identification numbers

Item Class of organisation

- (i) elderly persons; or
 - (ii) disabled persons; or
 - (iii) immigrants and refugees; or
 - (iv) Indigenous Australians; or
 - (v) families; or
 - (vi) children; or
 - (vii) persons impacted by domestic violence; or
 - (viii) homeless persons; or
 - (ix) prisoners.
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- 8 Organisations that provide free or subsidised social housing, facilities management services, mortgages or accommodation services to any of the following:
- (a) socially or economically disadvantaged persons;
 - (b) elderly persons;
 - (c) disabled persons;
 - (d) Indigenous Australians.
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- 9 Organisations that provide legal aid services, including any of the following:
- (a) legal aid organisations operated by the Commonwealth government, or the government of a State or Territory;
 - (b) legal practitioners who provide services for or on behalf of legal aid organisations;
 - (c) a court of the Commonwealth, a State or a Territory.
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- 10 Organisations that provide services on behalf of local government.
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- 11 Organisations that provide any of the following:
- (a) financial planning services;
 - (b) financial products and services (including brokers);
 - (c) insurance products and services;
 - (d) banking services and loans as a credit union;
 - (e) subsidised or reduced interest loans.
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18 Exceptions to Australian Privacy Principle 9.2—Centrelink Confirmation eServices (superannuation confirmation)

For subclause 9.3 of the Australian Privacy Principles:

- (a) a Customer Reference Number is a prescribed identifier; and
- (b) an organisation is a prescribed organisation if the organisation:

- (i) is a participant in the Centrelink Confirmation eServices scheme; and
- (ii) provides superannuation products and services; and
- (c) the prescribed circumstance is that a prescribed organisation uses or discloses an individual's prescribed identifier, with the individual's consent, to access services provided under the Centrelink Confirmation eServices scheme to enquire whether the individual is entitled to the early release of superannuation on the ground of financial hardship.

3 Schedule 1 (after table item 7)

Insert:

7A Australian Aged Care Quality Agency

4 Schedule 1 (table items 24 and 68)

Repeal the items.

5 Schedule 1 (after table item 75)

Insert:

75A Repatriation Medical Authority

6 Schedule 1 (after table item 83)

Insert:

83A Specialist Medical Review Council

7 Schedules 2, 3 and 4

Repeal the Schedules.